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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,113	09/26/2003	Marcel Ramseier	3092/127	7764

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EXAMINER

SEVERSON, JEREMY R

ART UNIT	PAPER NUMBER
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3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/672,113

Applicant(s)

RAMSEIER ET AL.

Examiner

Jeremy R. Severson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 9-18 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 19 and 20 are objected to because of the following informalities: the examiner believes applicant intended "essentially vertical plane", not "essential vertical plane". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4 and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reist (US 4,320,894) in view of Meier (US 4,550,822).

Re claims 1 and 11-17, Reist discloses an apparatus by means of which sheet-like products which follow one after the other along a feed section are transferred to a conveying arrangement with individually controllable grippers 3 which can be moved in the conveying direction and are designed for gripping the products at their leading edge, the feed section having, in its end region which is directed toward the conveying arrangement, a conveying nip, in which the sheet-like products are retained, at least in

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part, on both sides, wherein, in the product-receiving region of the grippers, a positive stop, which is active during each product transfer, is provided for the leading edges of the products, the positive stop is of two-part design, a first part 44 being of stationary configuration arranged as a stop for the leading edge of the products and a second part 36 being of movable configuration and serving for guiding the leading edge of the products toward the first part, the first part and the second part forming two stop surfaces which run at an angle to one another, such that the leading edge of each product abuts against the positive stop in a region of the positive stop at which the two surfaces intersect. See, e.g., fig. 2.

Reist does not disclose an apparatus wherein the spacing between the stationary first part of the positive stop and the conveying nip is selected such that the trailing edges of the products are still located in the conveying nip when the leading edges strike against the positive stop. Meier teaches such an apparatus in order to ensure that the printed product is pushed against the stop. Meier, col. 5, lines 50 et seq. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the spacing between the stationary first part of the positive stop and the conveying nip is selected such that the trailing edges of the products are still located in the conveying nip when the leading edges strike against the positive stop, in the apparatus of Reist, as taught by Meier, in order to ensure that the printed product is pushed against the stop.

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Re claims 2 and 4, in the device of Reist as modified by Meier, the second part 36 of the positive stop is moved with the gripper 3, and is an element of a gripper.

Re claim 9, in the device of Reist as modified by Meier, the feed section is designed as a conveying belt 24.

Re claim 10, Meier teaches an inclined belt conveyor 14, in order to supply the printed products to the transport means. Meier, col. 4, lines 42 et seq. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an inclined belt conveyor in the apparatus of Reist, in order to supply the printed products to the transport means.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reist as modified by Meier, and further in view of Honegger (US 4,034,845).

Re claim 19, the device of Reist as modified by Meier comprises everything claimed except the feed section running in an essentially vertical plane. Honegger teaches such a section, in order to convey the printed products. Honegger, col. 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a vertical feed section to the apparatus of Reist as modified by Meier, as taught by Honegger, in order to convey the printed products.

Re claim 20, the device of Reist as modified by Meier and Honegger comprises an apparatus wherein the grippers move essentially perpendicularly to the vertical plane

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and then increasingly in the direction of the conveying nip. See fig. 1 of Reist, also fig. 1 of Meier.

Allowable Subject Matter

Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the closest prior art does not disclose everything claimed. E.g., in Reist, the movable second part of the positive stop is formed by the trailing, not the leading leg of the gripper; and in Meier, there is no stop of stationary configuration.

Response to Arguments

Applicant's arguments filed 30 January 2007 have been fully considered but they are not persuasive.

Applicant argues that in Reist the part 37 has no stopping effect and is not part of the stop. This argument is moot, as the examiner has changed the grounds for rejection, with element 36 of Reist acting as the movable stop. Element 36 acts to guide the leading edge toward the stationary first part of the positive stop 44.

Applicant argues that stop rail 44 of Reist differs from the stationary part of the positive stop claimed by applicant, because the stop rail of Reist prevents printed

products that pass too early into the transfer region from moving further, and only in exceptional cases do sheets hit the rail.

The examiner respectfully disagrees with this argument. Applicant relies on col. 7, lines 3 et seq. of Reist, which states that "[i]n the event that a printed product 6 should arrive, in front of the gripper 3, at the transfer region or station 27, then the printed product 6 travels against the impact or stop rails 44 and is prevented by the latter from carrying out any further movement until it is entrained by the next gripper 3." The examiner recognizes that the rail 44 of Reist functions to stop material that has arrived before the gripper. However, this does not preclude the rail 44 from acting as a positive stop in the event that the material and the grippers are synchronized. Fig. 2 of Reist shows that element 36 serves to guide sheet edge 6a against rail 44.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Severson whose telephone number is (571) 272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy R Severson
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